

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Case No. 21822

Jennifer L. Pasternak,

STIPULATION

Respondent

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Jennifer L. Pasternak. Following an investigation, the Executive Committee of the Professional Standards Commission reviewed the information before it and determined that probable cause exists for initiating an administrative action against Jennifer L. Pasternak's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Jennifer L. Pasternak (Ms. Pasternak) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

2. If Ms. Pasternak wishes to agree to this Stipulation, she must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (Mountain Time) on **February 15, 2019**, unless she has been granted an extension.

3. After Ms. Pasternak and the Executive Committee agree to and sign this Stipulation, the Stipulation must be approved by the Commission, and the Commission must enter the attached consent order, before this Stipulation resolves the matter.

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4. A signed copy of this Stipulation may be submitted via mail or fax to:

Professional Standards Commission
650 West State Street, 2nd Floor
P. O. Box 83720
Boise, ID 83720-0027
Fax: (208) 334-2228 (Attn: Professional Standards Commission)

A. STIPULATED FACTS AND LAW

5. The Commission regulates teacher certification in Idaho.
6. Ms. Pasternak holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Standard Instructional certificate with an endorsement in All Subjects (K-8) effective April 11, 2018, through August 31, 2021.
7. On May 15, 2018, Ms. Pasternak entered into a contract with the Horseshoe Bend School District No.73 (“Horseshoe Bend”) to serve as an elementary teacher for the 2018-2019 school year.
8. On August 15, 2018, Ms. Pasternak emailed the principal of Horseshoe Bend Elementary that she was not going to be teaching for the 2018-2019 school year.
9. The principal requested that Ms. Pasternak send a letter of resignation and she would present the letter of resignation to the Horseshoe Bend School Board.
10. The principal never received a letter of resignation.
11. Neither the Horseshoe Bend School Board nor Horseshoe Bend Elementary administration approved Ms. Pasternak’s resignation.
12. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Pasternak for violating the following laws and rule governing teacher certification:

- a. Ms. Pasternak’s conduct or course of conduct violated Idaho Code § 33-1208(1)(c) (“Breach of the teaching contract”).
- b. Ms. Pasternak’s conduct or course of conduct willfully violated a code of ethics principle, adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j). Specifically, Ms. Pasternak violated Code of Ethics Principle VIII (Idaho Admin. Code r. 08.02.02.076.09) (“A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract.”).

13. Ms. Pasternak, although not admitting that she violated the laws and rules cited in paragraph 12 acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 12.

B. STIPULATED DISCIPLINE

14. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Pasternak’s certificate:

- a. Suspend Ms. Pasternak’s certificate for one year from the date the full PSC approves this stipulation and issues a consent order.

15. Any costs associated with Ms. Pasternak’s compliance with the terms of this Stipulation are her responsibility.

16. During the pendency of this Stipulation, Ms. Pasternak will comply with all laws and rules governing teacher certification in Idaho.

C. PRESENTATION OF THIS STIPULATION

17. Once Ms. Pasternak signs this Stipulation and timely returns it to the Commission, and the Executive Committee signs this Stipulation, the Deputy Attorney General assigned to the

Commission will present this Stipulation to the Commission at the Commission's next business meeting.

18. The Commission may accept, reject, or modify the Stipulation.

19. If the Commission modifies this Stipulation, it must receive Ms. Pasternak's approval on any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

20. If this Stipulation is approved by the Commission, Ms. Pasternak knowingly, intelligently, and voluntarily waives the following rights:

- a. the right to a hearing;
- b. the right to confront and cross-examine witnesses;
- c. the right to present evidence or to call witnesses, or to testify at a hearing;
- d. the right to reconsideration of the Commission's orders;
- e. the right to judicial review of the Commission's orders; and
- f. other rights accorded by the Idaho Administrative Procedure Act, and the law and rules governing teacher certification in the State of Idaho.

21. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Ms. Pasternak's certificate without further process.

22. By signing this Stipulation, Ms. Pasternak agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of a request for a hearing. This waiver applies to any hearing request made before the Commission ultimately rejects this Stipulation (if it does) or before Ms. Pasternak ultimately rejects a modified stipulation (if Ms. Pasternak does). If the Commission ultimately rejects this Stipulation or if Ms. Pasternak ultimately rejects a modified stipulation, and Ms. Pasternak has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

E. GENERAL ACKNOWLEDGMENTS

23. This Stipulation contains the entire agreement between the parties, and Ms. Pasternak is not relying on any other agreement or representation, whether verbal or written.

24. This Stipulation, if approved by the Commission, or modified and approved, resolves a contested case. If approved, the Stipulation, consent order, and any attachment are public records. And if approved, the Commission may make available through its or the State Department of Education's website a copy of the Stipulation, consent order, and any attachment, and may report any discipline to the national clearinghouse for teacher certification.

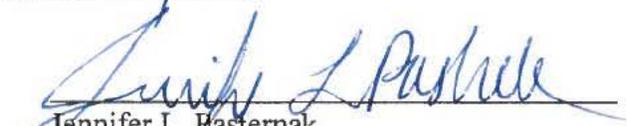
25. Ms. Pasternak agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The respondent, Jennifer L. Pasternak, agrees to this Stipulation.

DATED this 12 day of February, 2019.


Jennifer L. Pasternak
Respondent

Executive Committee

The Executive Committee recommends that the Commission enter an Order based upon this Stipulation.

DATED this 4 day of April, 2019.

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE


Char Mckinney, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Jennifer L. Pasternak

Respondent

Case No. 21822

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Jennifer L. Pasternak and the Executive Committee, is adopted as the informal disposition of this case, as permitted under Idaho Code § 67-5241. It will be effective on the ___ day of April, 2019. The discipline listed in the Stipulation is imposed on Jennifer L. Pasternak's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Jennifer L. Pasternak has waived the right of judicial review.

DATED this 4 day of April, 2019

IDAHO PROFESSIONAL STANDARDS COMMISSION


Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Jennifer L. Pasternak



- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile:
- Email: 

Robert A. Berry
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: (208) 854-8073
- Email: robert.berry@ag.idaho.gov
leslie.gottsch@ag.idaho.gov



Annette Schwab
Program Specialist
Idaho State Department of Education